

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:13CR217 TH/DDB
	§	
RYAN WESLEY ADAMSON	§	

**AMENDED REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 12, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Andy Williams.

On April 22, 2014, Defendant was sentenced by the Honorable Thad Heartfield, United States District Judge, to a sentence of 12 months and 1 day imprisonment to run consecutive to pending charges in Lamar and Fannin County, Texas, followed by a 3-year term of supervised release for the offense of Felon in Possession of a Firearm While an Unlawful User of a Controlled Substance. Defendant began his term of supervision on May 19, 2014.

On February 18, 2015, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 41). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not

purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall not leave the judicial district without permission of the Court or probation officer; (4) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; (5) Defendant shall notify the probation officer ten days prior to any change of residence or employment; and (6) Defendant shall participate in a program of testing and treatment for substance abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer; (7) Defendant shall pay a fine in the amount of \$4,000, which is due immediately.

The Petition alleges that Defendant committed the following violations: (1) On August 26, 2014, Defendant submitted a urine specimen that tested positive for methamphetamine. On November 12, 2014, Defendant submitted a urine specimen that tested positive for amphetamine. He admitted to taking a friend's prescription medication. A specimen taken on November 13, 2014, at Addiction Recovery Center in Lewisville was confirmed positive for amphetamine by Alere Toxicology; (2) On or about September 18 and October 21, 2014, Defendant traveled to the Midland/Odessa, Texas area for several days without receiving permission from the U.S. Probation Office; (3) Defendant failed to report in person to the U.S. Probation Office as instructed on August 21 and 22; September 8 and 19; December 8, 19, 22 and 23, 2014, as instruction; (4) Defendant failed to notify the U.S. Probation Office prior to his relocation from 4000 Ace Lane, #612, Lewisville, Texas. On December 22, 2014, the probation officer, while attempting a home visit, was notified that Defendant had moved from the residence approximately a week earlier. His whereabouts were unknown for approximately three weeks; (5) Defendant failed to attend drug

aftercare counseling at Addiction Recovery Center, Lewisville, Texas, on October 23 and November 6, 2014. Additionally, Defendant failed to submit random urine specimens as instructed at Addiction Recovery Center on September 3, 8 and 18, November 5 and 7; December 10, 20, 23 and 29, 2014; as well as January 7, 12, and 22, 2015; and (6) On August 26, 2014, Defendant agreed to start paying no less than \$100 each month toward the remaining balance of the fine. As of this writing, Defendant has made one \$100 payment since the agreement was made. The balance remains at \$3,800.00.

At the hearing, Defendant entered a plea of true to allegations one and two of the Petition. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the March 12, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months and one (1) day, with no supervised release to follow, and to pay the remaining fine balance of \$3,800.00. The Court further recommends that Defendant's sentence be carried out in FCI Fort Worth, if appropriate.

SIGNED this 6th day of April, 2015.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE